

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

ASSET TRADER

**Case No. 16-02794-5-DMW
Chapter 7**

Debtor.

RESPONSE TO TRUSTEE’S OBJECTION TO CLAIM 36 OF MARY S. KLUTZ

COMES NOW Mary S. Klutz (hereinafter “Ms. Klutz”), by and through her undersigned counsel, in response to the Trustee’s Objection to Claim No. 36-1 (Mary. S. Klutz), and shows unto this Court the following:

1. The Debtor filed a Chapter 11 bankruptcy on May 26, 2016. The case was converted to one under Chapter 7 on September 14, 2016. James B. Angell has been appointed as Chapter 7 Trustee (the “Trustee”).

2. On January 9, 2017, Ms. Klutz filed a Proof of Claim in the Debtor’s case in the amount of \$547,218.00 (see Claim No. 36-1). As evidence of her claim, she provided true and accurate copies of all documentation related to her Fully Insured Tax Exempt Note (the “FITEN Claim”), which was provided to her by the Debtor, Asset Trader.

3. On March 23, 2017, the Trustee filed an objection to Ms. Klutz’s claim on the basis that there was insufficient documentation to support the liability of the Debtor for the FITEN Claim.

4. Ms. Klutz was induced by Asset Trader, by and through its agent Anthony Wayne March, to invest \$547,218.00 after relying on fraudulent misrepresentations made by Anthony Wayne March and C. Roger Newman on behalf of Asset Trader. At all times relevant, Ms. Klutz believed her investment was arranged with Asset Trader and was a legitimate investment based upon misrepresentations by the Debtor. But for the fraudulent and negligent misrepresentations by Asset Traders and its agents, Ms. Klutz would not have

invested substantial sums of money with the Debtor. All documentation attached to Ms. Klutz's Proof of Claim references "Asset Trader: America's Exit Plan" and are signed by C. Roger Newman, Executive Director Asset Trader and by the claimant, Mary S. Klutz, Donor to Asset Trader.

5. Ms. Klutz asserts that Asset Trader is responsible for her substantial monetary loss and her claim should be allowed in full.

WHEREFORE, Ms. Klutz respectfully requests that the claim be allowed and a hearing be held on the Trustee's Objection.

Dated: May 23, 2017

HENDREN, REDWINE & MALONE, PLLC
s/Rebecca F. Redwine

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ATTORNEYS FOR MARY S. KLUTZ

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this day, she served a copy of the foregoing on the parties in interest either electronically or by depositing copies of same in a depository under the exclusive care and custody of the United States Postal Service, in a postage paid envelope, addressed as follows:

Marjorie K. Lynch
Bankruptcy Administrator

(via CM/ECF)

James B. Angell
Chapter 7 Trustee

(via CM/ECF)

This the 23rd day of May, 2017.

HENDREN, REDWINE & MALONE, PLLC
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